IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRTIETH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION No. 24814 of 2004

Between:

K. Phani Raja Rao, S/o. of K. Rama Murthy, Hindu,
aged about 35 years, Occ: Ex-Conductor,

E.P.No. 576169, R/o. Anantapur.

..... PETITIONER

AND

1 The Depot Manager, A.P.S.R.T.C. Chittoor - II Depot, Chittoor.
2 The Regional Manager, A.P.S.R.T.C. Ananthapur Region, Ananthapur.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus or any other appropriate writ declaring the proceedings No. 02/95(176)/04-CTR-2 date 30-10-2004 of the 1st respondent as illegal, arbitrary, and without jurisdiction, in violation of principles of natural justice and in violation of Art. 14 and 21 of the constitution of India and consequentially direct the respondent to restore the name of the petitioner in the approved selected list of Conductors of Ananthapur Region.

Counsel for the Petitioner: S.SURENDRA KUMAR

Counsel for the Respondents: MR.P.VINAYAKA SWAMY

The Court at the stage of admission made the following:

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ORDER:

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The grievance of the writ petitioner is that his name was deleted from selection list without conducting any enquiry. Challenging the proceedings No.02/95(176)/2004-CTR-2, dated 30.10.2004, the present writ petition is filed.

The learned counsel for the petitioner contended that the name of the petitioner has been deleted from the selection list without conducting any enquiry and therefore, principles of natural justice have been violated.

On the other hand, the learned standing counsel appearing for the respondent contended that on 18.09.2004 a check was made and the checking officials found certain ticket irregularities on the part of the petitioner in discharging his duties as a Conductor, and as the petitioner is a daily wage employee, no enquiry needs to be conducted. Therefore, the order under challenge does not suffer from any legal infirmities so as to call for the interference of this Court.

It is not disputed before this Court that the selection of the petitioner

was made under regular selection process. The checking officials found certain irregularities on the part of the petitioner at the time of check on 18.09.2004, and after calling explanation from the petitioner, the name of the petitioner was deleted from the selection list without conducting any enquiry.

No reasonable opportunity is afforded to the writ petitioner in proving his case, and without conducting any departmental enquiry, the impugned proceedings have been passed. Hence the impugned proceedings suffer from legal infirmities and there is violation of principles of natural justice.

Therefore, the Writ Petition is allowed and the impugned proceedings are set aside. However, this order will not preclude the respondents in conducting departmental enquiry against the petitioner in respect of the alleged irregularities in accordance with rules and regulations of the Corporation. No order as to costs.

dsr

ASSISTANT REGISTRAR

To:

1. The Depot Manager, APSRTC,

Chittoor-II Depot, Chittooor

2. The Regional Manager, APSRTC,

Ananthapur Region, Ananthapur

3. Two CD copies.